



County Planning Commission



Agenda Number: 17
CSU-60030
October 4, 2006

Applicant: New Mexico Utilities Inc.

Agent: Flagship Group, Inc.

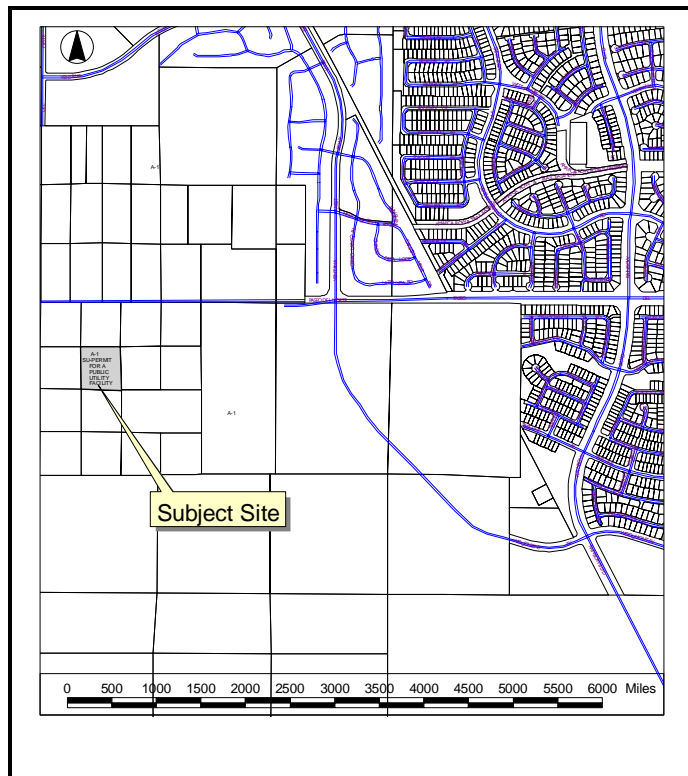
Location: Approximately 500 feet south of Paseo del Norte Blvd.

Property Size: Approximately 4.88 acres

Existing Zone: A-1/SUP for a Public Utility Facility

Request: Special Use Permit for a Public Utility Facility and a Wireless Telecommunications Facility

Recommendation: Denial



Summary: This is a request to amend an existing Special Use Permit for Public Utility Facility to add a 65' Wireless Telecommunication Facility and supporting ground equipment.

This request is remanded from the August 22, 2006 BCC in order to consider a revised site plan.

Staff Planner: Mari Simbaña, Program Planner

Attachments:

1. Application
2. Land Use and Zoning Maps
3. Letter from Applicant Requesting Remand to CPC
4. Site Plan-August 28, 2006 (Commissioner's Only)

Bernalillo County Departments and other agencies reviewed this application from 5/23/06 to 9/11/06. Their comments were used in preparation of this report, and begin on Page 16.

AGENDA ITEM NO.: 17
County Planning Commission
October 4, 2006

CSU-60030 Flagship Group, Inc., agent for New Mexico Utilities Inc., requests approval of an amendment to the Special Use Permit to allow a 65 feet wireless telecommunication facility (monopole) on a tract of land in Section 17 T11N R2E in E SW NE NW, approximately 1.25 miles west from the intersection of Rainbow Boulevard NW and Paseo del Norte, zoned A-1 with a Special Use Permit for a Public Utility Facility, containing approximately 4.88 acres. (C-8) (Remanded from the August 22, 2006 Board of County Commission hearing)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land use
Site	A-1/SUP for a Public Utility Facility	Public Utility Facility (water tank)
North	A-1	Vacant
South	A-1	Vacant
East	A-1	Vacant
West	A-1	Vacant

BACKGROUND:

The Request

The subject site is zoned A-1 and is approximately 4.88 acres in size. The applicant seeks to alter an existing Special Use Permit for a Public Utility Facility (CSU-98-12). The intent is to establish a 65' freestanding monopole for wireless telecommunications as well as supporting ground equipment. The site is less than 660 feet from the outer edge of Paseo del Norte, a designated View Corridor. The applicant states that, "the site falls 480ft. from Paseo Del Norte."

The agent explains that the monopole and ground facility will occupy a 25'X35' ground area, which will be enclosed by a solid block wall. The equipment shelter itself is expected to be 12'X20'. The site plan shows landscaping related to the new construction and the application verifies the intent to establish all required landscaping although neither indicates maintenance of such. The proposed monopole appears to be less than 65' away from the adjacent A-1 property to the west.

In June 1998, the Board of County Commissioners approved a Special Use Permit for a Public Utility Facility (CSU-98-12) on the subject site. Although a water tank was constructed, the landscape plan that was included with the application does not appear to ever have been implemented. The site plan also showed a well house and booster station that have, thus far, not been constructed.

Request Justification

The agent expresses that the most appropriate place to establish the new 65' monopole is on this property which already has a 55' water tank. The applicant makes reference to the inadequacy of the water tank to support the proposed telecommunications equipment but provides no further proof.

Surrounding Land Uses and Zoning

All of the properties adjacent to the subject site are zoned A-1 and are vacant. There are currently no structures within a one- mile radius of the subject site. Northeast of the subject site is the Ventana Ranch subdivision, not yet built-out to completion.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

5. Developing Urban And Established Urban Areas

The Plan designates nine areas Developing Urban, about 53.1 square miles (1988). New urban density development in the Developing Urban Area will continue to be subject to sector planning requirements before medium and high density development (whether residential or non-residential) is allowed: this will allow orderly provision of services as well as accomplishing the urban form envisioned in this Plan. This procedure and the boundary of the Established Urban Area may be amended after subsequent biennial analysis.

The Plan designates a large, contiguous area Established Urban about 93.5 square miles (1988). A Plan amendment in 2001 reduced this designation in North Albuquerque Acres; a 1989 amendment expanded it in the Manzano Mesa area.

The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

Policy a

The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

Possible Techniques

- 1) Develop and adopt area and sector development plans stating density patterns.
- 2) Control through Zoning Ordinance performance standards or possibly through a Land Development Code.
- 3) Control through zoning and subdivision review processes.
- 4) Achieve by annexation and utility provision (see also Goal section C-1 Service Provision)
- 5) Achieve by public/private cooperation in preparing area and/or sector development plans.
- 6) Assess fees on new development to help maintain a major open space acquisition fund.
- 7) Include performance clauses in the Subdivision and the Zoning Ordinance which invalidates plans if construction has not begun within a specified period of time.
- 8) Monitor zone map amendment requests by sub-areas; prepare annual review of development trends.

Policy b

Developing Urban Areas shall be subject to special requirements for low-density holding zones to allow for sector planning, special design treatments, and phasing of infrastructure in keeping with capital improvements priorities.

Possible Techniques

- 1) Use land development regulations including annexation, zoning, and sector planning to achieve appropriate density patterns and design.
- 2) Condition extension of services upon satisfactory compliance with land development regulations.

Policy c

Where needed to guide more detailed planning, major portions of the Established Urban Area and Developing Urban Area and adjacent Plan map areas shall be formed into districts for rank two area planning which should use the following process:

- Determine boundaries for each area plan based upon design character, social and cultural identity, and visual and environmental features.
- Determine content of each area plan based upon needs analysis, including but not limited to characteristics, conditions, trends and opportunities in land use, the built and visual environment, and social and economic environment.

- Determine development potential of each plan area in keeping with density objectives of the Comprehensive Plan.
- Determine activity center appropriateness and character for each area in coordination with the areawide Activity Centers implementation planning program.

Possible Techniques

- 1) Calculate potential number of dwelling units per area based upon vacant land and absorption rates, zoning, and applicable Comprehensive Plan policies.
- 2) Calculate volume of non-residential activity per area based upon vacant land and absorption rates, zoning, and applicable Comprehensive Plan policies.

Policy d

The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

Policy e

New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

Policy i

Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Policy j

Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free-standing retailing and contiguous storefronts along streets in older neighborhoods.

Possible Techniques

- 1) Limit extension of strip zoning.
- 2) Control through sector plans, zoning and platting process.
- 3) Coordinate with transportation and transit planning.
- 4) Monitor zoning and zone change requests by sub-area; prepare annual review of commercial development trends.

Policy l

Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

Policy m

Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

Possible Techniques

- 1) Improve Zoning Ordinance and Subdivision Ordinance design standards, and apply design through their site design review processes.
- 2) Design public facilities (including buildings, parks, plazas, utilities, bridges, streets, stadiums, and airports) with respect for environmental and visual qualities.

West Side Strategic Plan

The West Side Strategic Plan was adopted by the City Council in 1997 and by the Board of County Commissioner's in April 1998. It was amended by the City Council in 2002. The subject site is considered to be within the approximately 4,516-acre North Mesa Community according to the Plan.

Policy 3.70

Bernalillo County shall develop a strategy for future development of the North Mesa Community. As a large area located on top of the mesa, it shall be developed within the framework of the Planned Communities Guidelines.

Policy 3.71

MRGCOG should undertake the necessary studies to define the corridors for Westside Boulevard, Irving, and Paseo del Norte. The residential development currently fronting on Irving Boulevard in Paradise Hills should be taken into consideration. The City, County, and/or, NMSHTD should acquire the necessary rights-of-way for these roads as soon as the required studies are complete, [For] strategic planning purposes, the North Mesa area has been assumed to eventually build out as a new Planned Community which would result in a population of approximately 28,000 and 9,500 housing units at full buildout.

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.

- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Section 18. Special Use Permit Regulations.

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any zone in which they are not permitted by other sections of this ordinance; the Bernalillo County Commission may likewise authorize the increase in height of buildings

beyond the limits set by previous sections of this ordinance. With such permits, the Bernalillo County Commission may impose such conditions and limitations as it deems necessary:

1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located;
2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

B.32.a

(Office/Commercial) In certain situations based on unique conditions the owner may apply for any of the specific uses set forth in Sections 12, 13, 14, or 15 of this Ordinance. The special use for a specific use (office/commercial) may be granted if the owner/applicant proves by clear and convincing evidence that: (1) unique conditions exist that justify the request and (2) there is substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use.

Section 19: Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.

1. Sites of one acre or less:
 - a. There shall be a landscaped setback along all streets of no less than ten feet.
 - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.

- c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
- 2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single-family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.
- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

Section 22.5. Wireless Telecommunications Regulations.

- A. *Basic Requirements.* The following regulations shall apply to all wireless telecommunications facilities in all zones, unless otherwise stated.
 - 1. *Setbacks:*
 - a. A freestanding wireless telecommunications facility shall be set back a minimum of 85 feet from any property line or at a one to one ratio (one foot of setback for every foot of tower height from the property lines of the premises), whichever is greater, from any property zoned A-1, A-2, R-1, R-2, or M-H.
 - b. New freestanding wireless telecommunications facilities in electric substations shall be exempt from the one to one setback requirement if they are no taller than the existing utility poles in the substation.
 - c. Except as stated in (a) and (b) above, setbacks shall conform to the setback requirements of the zone in which the wireless telecommunications facility is located.
 - 2. *Lighting and Signage:*
 - a. Only security lighting or lighting required by a state or federal agency is allowed, provided:
 - (1) The location of the lighting fixture together with its cut-off angle shall be such that it does not shine directly on any public right-of-way or any residential premises.
 - (2) The lighting shall not have an off-site luminance greater than 1,000 footlamberts; it shall not have an off-site luminance greater than 200 footlamberts measured from any property zoned A-1, A-2, R-1, R-2, or M-H.
 - b. The only signage permitted is that required by state or federal law.
 - 3. Telecommunications Equipment Building or Cabinet shall:

- a. Not contain more than 350 square feet of gross floor area per service provider and shall not be more than ten feet in height.
- b. Maintain the minimum setback and screening requirements of the zone in which it is located or as otherwise defined in this section.
4. Abandonment: All wireless telecommunications facilities that are not in use for six consecutive months shall be removed by the wireless telecommunications facility owner. This removal shall be completed within three months after the end of such six-month period. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation.
5. Collocation: No new free-standing wireless telecommunications facility shall be permitted unless the Zoning, Building and Planning Director or his/her designee determines, upon the applicant's demonstration, that no existing tower, structure or public utility structure located within 1/4 mile of the proposed site can be used in lieu of new construction to accommodate the applicant's proposed telecommunications facility. The applicant shall submit documentation to demonstrate that:
 - a. No existing tower, structure, or public utility structure is located within the 1/4 mile radius that meets the applicant's engineering requirements; or
 - b. No existing tower, structure, or public utility structure is located within the 1/4 mile radius which has sufficient structural strength or space available to support the applicant's proposed telecommunications facility and related equipment; or
 - c. The applicant's proposed telecommunications facility would cause significant, unavoidable electromagnetic interference with the antenna(s) on the existing towers, structures or public utility structures, or the antenna(s) on the existing towers, structures or public utility structures would cause interference with the applicant's proposed telecommunications facility; or
 - d. The owners of existing towers, structures, or public utility structures within the 1/4 mile radius will not allow the applicant to place its telecommunications facility thereon, or such owners are requiring payments for the use of their tower that substantially exceed commercially reasonable rates.
6. Interference: Every wireless telecommunications facility shall meet the regulations of the Federal Communications Commission regarding physical and electromagnetic interference.
7. Health Issues: Every wireless telecommunications facility shall meet health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission and any other federal or state agency.
8. View Corridors: Only concealed wireless telecommunications facilities or wireless telecommunications facilities, the antennas of which are all located on existing vertical structures, are allowed within 1/8 mile from the outer edge of the right-of-way of any flood control arroyo designated by the County of Bernalillo, City of Albuquerque, or Albuquerque Metropolitan Arroyo Flood Control Authority and identified as part of an existing or future trail system by the County or City, or the following streets: Alameda Boulevard, Griegos Road, Coors Boulevard, Central Avenue, Unser Boulevard, Paseo del Norte, Rio Grande Boulevard, Tramway Boulevard, Interstate 25, Interstate 40, Old US Highway 66 (New Mexico 333), New Mexico 14, New Mexico 337 (Highway 14 South), New Mexico 217, Mountain Valley Road, Frost Road, Sandia Crest Road (New Mexico 536), Vallecitos Road and Gutierrez Canyon Road. All other wireless telecommunications facilities are prohibited within 1/8 mile of the outer edges of the right-of-way of the aforementioned view corridors.
9. Historic Districts: Only concealed wireless telecommunications facilities are allowed within districts listed in the State Register of Cultural Properties or the National Register of Historic Places, or within 1/8 mile of any historic routes listed in the State or National Registers.

10. Application requirements: In addition to information already required by the Zoning Ordinance, each applicant for a wireless telecommunications facility shall provide the Zoning, Building and Planning Department with the following:
- a. The zone map(s) specific to the application-site, from the County's Zone Atlas, drawn to scale, showing land uses and zoning designations, including those within the City of Albuquerque or other jurisdictions.
 - b. Documentation regarding collocation as described in section 22.5.A.5. of this ordinance.
 - c. A set of plans which, in addition to other requirements in this Ordinance, includes:
 - (1) A scaled site development plan clearly indicating the location, type, color and height of any proposed wireless telecommunications facility, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other jurisdictions), Comprehensive Plan classification of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of any wireless telecommunications facility, topography, and parking layout;
 - (2) A notarized statement from the applicant that describes the facility's capacity and declares the number and type(s) of antenna(s) that it can accommodate, or an explanation of why the facility cannot be designed to accommodate other users;
 - (3) An engineer's stamp and registration number;
 - (4) The separation distance between any tower and other telecommunications facilities and identification of the owner(s) of those facilities; and
 - (5) Any other information as requested by the county needed to evaluate the application;
 - d. A letter of intent committing the wireless telecommunication facility owner and its successors to allow shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions of shared use.
 - e. In addition, the first application for a permit by a wireless telecommunications provider after adoption of this ordinance shall include an inventory of the applicant's existing wireless telecommunications facilities or approved sites for such facilities within the unincorporated portion of Bernalillo County or within one thousand feet of the border of the unincorporated area.
11. Criteria for Concealed Wireless Telecommunications Facilities. Concealed wireless telecommunications facilities must be:
- a. Architecturally integrated with existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape.
 - b. Located to avoid a dominant silhouette of a wireless telecommunications facility on escarpments and mesas, and to preserve view corridors.
 - c. Located on existing vertical infrastructure, such as utility poles or public utility structures, if possible.
 - d. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
12. Landscaping and Screening: The following regulations shall apply to landscaping and screening:
- a. Freestanding wireless telecommunications facilities shall be surrounded by a six-foot high fence or wall, which shall be solid if facing or abutting a lot zoned A-1, A-2, R-1, R-2, or M-H. Chain link with slats shall not constitute a solid fence.
 - b. Any free-standing wireless telecommunications facility facing or abutting a property used for residential purposes shall include landscaping along the outside of the required fence or wall that is planted and maintained according to a Landscaping Plan approved by the Zoning,

Building and Planning Director or his/her designee. Such landscaping shall meet the intent of the Landscaping and Buffer Landscaping Regulations Section of this ordinance. The Zoning, Building and Planning Director may waive this requirement if the freestanding wireless telecommunications facility is not readily visible from surrounding properties or rights of way and it is determined that providing the required landscaping is not necessary to meet the intent of this ordinance.

c. Concealed wireless telecommunications facilities are not subject to the landscaping and screening requirements of this section.

13. Horizontal Separation of Free-standing Wireless Telecommunications Facilities: Free-standing wireless telecommunications facilities shall be separated by at least 1,000 feet.

B. Exclusions. Every wireless telecommunications facility located within the county, whether upon private or public lands, shall be subject to the provisions of this ordinance. The following facilities, however, shall be exempted from the regulations for wireless telecommunications facilities:

1. Amateur radio stations if owned and operated by a federally licensed amateur radio station operator;
2. Receive-only antennas if used exclusively as a receive-only facility;
3. Any existing tower and antenna provided a building permit was issued for the tower or antenna prior to adoption of this ordinance;
4. Wireless telecommunications facilities used exclusively for emergency services including sheriff, police, fire, EMS, and operation of a water utility system; and
5. Any antennas used for AM, FM or TV broadcasting, which are regulated under the Special Use Section of this ordinance.

C. Variances. Variances may be granted from the requirements of these regulations by the Zoning Administrator, following the procedures in the administration section of this ordinance.

1. Any such variance shall be based on the following criteria:

- a. It is in the best interest of the community as a whole;
- b. It will expedite the approval of an antenna, tower, or tower alternative;
- c. It will not jeopardize public health, safety and welfare;
- d. It will either ameliorate the adverse impacts of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas; and
- e. It will better serve the purposes of this ordinance.

2. The facts to be considered by the Zoning Administrator in reviewing an application for such a variance shall include:

- a. The height of the proposed tower;
- b. The proximity of the tower or antenna to residential structures and residential district boundaries;
- c. The nature of uses on adjacent and nearby properties;
- d. The surrounding topography;
- e. The surrounding vegetation and foliage;
- f. The design of the tower or antenna, with particular reference to design characteristics intended to reduce or eliminate the tower's or antenna's visibility;
- g. The proposed ingress and egress;
- h. The availability of suitable existing towers or other structures; and
- i. Such other factors as may be relevant.

(Ord. No. 99-6, § 1, 5-11-99; Ord. No. 04-1, § 1, 1-13-04)

ANALYSIS:

Surrounding Land Use and Zoning

All of the properties adjacent to the subject site are zoned A-1 and are vacant. There are currently no structures within a one- mile radius of the subject site.

Plans

The Albuquerque/Bernalillo County Comprehensive Plan Developing Urban Area section recommends the designation of specific areas for focused planning. The relevant guidance for the subject site is reflected in the West Side Strategic Plan section on North Mesa Community. The expected population of 28,000 for this 4,516-acre planning area, suggests that a variety of utility services will have to be established to meet the needs of future residents.

Zoning Ordinance

All wireless telecommunications uses must follow Zoning Ordinance Section 22.5 regulations for Wireless Telecommunications. Freestanding wireless communication facilities up to 65 feet are permissive in the O-1, C-1, C-2, M-1, and M-2 zones. These must be surrounded by a six-foot high, solid fence or wall if abutting A-1, A-2, R-1, R-2, or M-H zones. A freestanding wireless telecommunications facility must be set back a minimum of 85 feet from any property line or at a one to one ratio (one foot of setback for every foot of tower height from property lines of the premises), whichever is greater, from any property zoned A-1, A-2, R-1, R-2, or M-H. Although the subject site is zoned C-1, it is within a view and thus must be concealed. As outlined in the Bernalillo County Zoning Ordinance, wireless communication facilities are permissive in all zones if they are concealed or located on public utility structures. In general, to be considered "concealed", the facility must be located on existing vertical infrastructure, architecturally integrated with and screened by existing building, structures, and landscape, and must preserve the view corridor.

Agency Comments

The Zoning Administrator concludes that the submitted request does not comply with the criteria for concealed wireless telecommunications facility on the subject site. Environmental Health staff urges the applicant to be conscious of the height of the tower and its fallout plume.

Analysis Summary

Zoning	
Resolution 116-86	Applicant must justify the request by explaining how the existing zoning is inappropriate.
Section 18.B.32.a	Applicant must provide proof of neighborhood support.
Section 22.5	Unconcealed wireless telecommunications facilities are prohibited within 1/8 of a mile of the outer edge of Paseo del Norte, a View Corridor.
Plans	
Comprehensive Plan	Employment and service uses should minimize and mitigate impacts on residential environments.

West Side Strategic Plan	The proposed facility could potentially provide service to 9500 households.
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Conclusion

The applicant is requesting amendment of an existing Special Use Permit to include a 65-foot monopole for the placement of wireless antennas. This facility would also include supporting ground equipment. This use is permissive in the O-1, C-1, C-2, M-1, and M-2 zones. The subject site is within the Paseo del Norte View Corridor and therefore must be concealed. Although the applicant explains that the monopole is concealed within a canister and the cabling and antennas are within the pole, this does not meet the concealment criteria in Section 22.5.A.8 of the Zoning Ordinance.

Additional Comments, October 4, 2006:

This case was remanded from the August 22, 2006 Board of County Commissioners hearing to allow the applicant to present a revised site plan to the County Planning Commission. The revised site plan shows the proposed wireless facility being placed southwest of the existing water tank and just beyond the View Corridor boundaries. The wireless facility is now designed to resemble a flag. This most recent submittal includes a letter from the agent, listing the advantages of location change and pole design. The agent also attached a letter from New Mexico Utilities explaining the structural limits that make it impossible to allow collocation. Although the wireless telecommunications facility is no longer within the view corridor and despite it being crowned by a flag, the fact remains that the pole is not architecturally integrated into an existing structure or landscape as required by Section 22.5.A.11 of the Zoning Ordinance. After reviewing the new material, staff maintains that the request should be denied.

RECOMMENDATION:

Denial based on the following Findings.

Mari Simbaña
Program Planner

FINDINGS:

1. This is a request for approval of an amendment to the Special Use Permit to allow a 65-foot wireless telecommunication facility (monopole) on a tract of land in Section 17 T11N R2E in E SW NE NW, approximately 1.25 miles west from the intersection of Rainbow Boulevard NW and Paseo del Norte, then 925 feet south, zoned A-1 with a Special Use Permit for a Public Utility Facility, containing approximately 4.88 acres. (C-8)
2. The property is within the Developing Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
3. This request is in conflict with Resolution 116-86 in that the applicant has failed to demonstrate that the existing zoning is inappropriate.
4. The applicant has failed to meet Section 18.B.32.a of the Zoning Ordinance in that there is no substantial support and no justification for unique conditions.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Zoning Administrator
05/JUN/2006

The wireless telecommunication regulations (Sec. 22.5) govern these types of proposals in the County. Typically, properties zoned O-1, C-1, C-2, M-1 and M-2 zones are allowed to place a freestanding facility up to 65 feet in height for a single provider, and can increase the height up to 75 feet if more than one service provider collocates on the antenna. The agent indicates that this application is the result of the limited structural capabilities of an existing water tank authorized under the current SUP on the site. The general regulations of Section 22.5 also require landscaping and screening to buffer the related telecommunications equipment area, and indicate that facilities must meet certain setback and separation distances.

However, these general standards are of secondary concern to this proposals main difficulty - its location within a designated view corridor. Section 22.5.A.8 only permits concealed wireless telecommunication facilities within 660 feet of Paseo del Norte Blvd., and the current proposal does not meet the criteria in order to be considered a concealed facility.

SITE PLAN COMMENTS

Additional details and/or changes are needed for this proposal in order to meet current zoning requirements for the following:

1. Landscaping

a. A 20-foot landscape buffer, located on the outside of the proposed 8' wall and along on all sides of the proposed facility, should be provided

i. this area should include sufficient vegetation, including trees, shrubs, and low-growing plants to meet the coverage requirements (75% within 2 years) - low-water use plantings are encouraged

ii. ground cover is also needed in these areas; gravel or rock is recommended

iii. the type of irrigation system to be used needs to be noted on the plan

iv. the individual or parties responsible for the continued maintenance of the landscaping needs to be noted

2. Equipment

a. the height of any telecommunications equipment or cabinet is limited to 10 feet; the proposed building appears to be 11 feet in height; scaled drawings are necessary

COMMENTS RELATED TO THE USE

The lack of compliance with the concealed criteria is the greatest obstacle in obtaining zoning approval for this request. The regulations have been written to be specifically stringent in order to ensure that these types of facilities are designed to be incorporated into existing buildings, structures or landscaping.

The current proposal - although listed as a "stealth" facility - does not seem to incorporate any of the necessary considerations to meet the County's requirements for concealment, nor does it meet location requirements due to its proximity to the view corridor. A complete redesign of the project may render a different determination by staff, but based on the information provided at this time, the proposal does not meet the applicable criteria.

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8/31/06

Additional comments concerning the new site plan & elevation drawings:

Although changes have been made to the proposal, it still fails to meet the applicable criteria for this type of facility. Staff has noted that the pole has been moved further from the view corridor along Paseo del Norte, but even in this location on the property, it still does not meet the required 1/8 mile setback distance. It doesn't appear that any significant changes have been made to make the proposal consistent with the concealed criteria, as the addition of a flag at the top of the pole is an unavailing concession in order to have the facility considered to be "stealth". The Zoning Ordinance lists very specific criteria that must be met in order for a cell tower to be considered concealed (ref. Sec. 22.5.A.11.).

The site plan is still deficient, as the previous comments regarding details/changes to the landscaping and equipment building have not been addressed. The plans have not been prepared to scale (critical for correct determination of height), and reference is made to compliance with the City of Albuquerque's Landscaping & Water Waste Ordinance, a document specific to development only within the municipal limits.

Building Department:

6/7/06

Corrections listed below must be corrected for approval:

Building permits will be required for all proposed structures as a condition of approval.

9/7/06

Corrections listed below must be corrected for approval:

The relocation of the sign will also require a building permit.

Building permits will be required for all proposed structures as a condition of approval.

Environmental Health:

6/14/06

If, upon development, facilities are present provide a wastewater system and drinking water system that meets the most current Bernalillo County Ordinance.

Be conscious of the height of the tower and its fallout plume. Should the tower topple, no harm shall come to persons or structures do to this action.

Zoning Enforcement Manager:

6/2/06

Based on the above comments there is no adverse comments at this time.

There are no current zoning violations on this property. Shall comply with the Wireless Telecommunications Regulations.

Fire:

No comment received

Public Works:

DRAN:

5/26/06

1. No adverse drainage comments. This special use permit shall not impact existing drainage patterns.

9/5/06

1. This property is subject to the Bernalillo County Code Chapter 38 for flood damage prevention and storm drainage.

2. A grading and drainage plan is not required, at this time, as a condition of approval of this special use permit request, because this request appears to be consistent with the current use of the property and / or no significant changes to the current development are explicitly or implicitly implied. A grading and drainage plan will be required of additional development in the future.

3. This property is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to full development.

DRE:

6/12/06

Paseo Del Norte Boulevard is a limited access facility. Appropriate access to Paseo Del Norte will be required when existing access is closed.

9/11/06

1. The previous comment, "Paseo Del Norte Boulevard is a limited access facility. Appropriate access to Paseo Del Norte will be required when existing access is closed" still applies.

Parks & Recreation:

6/7/06

Reviewed, no adverse comment.

9/1/06

No Comment

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

6/12/06

No comment.

9/6/06

No adverse comment

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AMAFCA:

No comment received

9/12/06

No comment

City Planning Department:

6/8/06

For all cases for the July 15, 2006 CZ and CSU hearing the City of Albuquerque Development Services Division has no adverse comment.

9/12/06

no adverse comments

City Public Works/Water Resources:

6/16/06 - N/A

ABCWUA Utility Development Section

No comment received.

City Environmental Health:

No comment received

City Open Space:

6/1/06

Open Space does not have any comments for projects to be heard July 12, 2006.

City Transportation Development:

6/8/06

No adverse comments.

9/5/06

No adverse comments

City Transit:

6/13/06

No ABQ Ride service is within walking distance of the site.

No objection.

NM Department of Transportation:

6/1/06

Possible Impacted NMDOT roadway(s): NM 423

Departments Comments: None

9/12/06

Possible Impact on NMDOT roadway(s): No apparent impact

Departments Comments: None.

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9/13/06

Possible Impacted NMDOT roadway(s): None

Departments Comments: None.

Albuquerque Public School:

6/1/06

The request for amending the existing special use permit to allow for a wireless telecommunication facility at Tract 15 a portion of the Black Ranch will have no adverse impacts to the APS district.

9/7/06

The request to construct a cell tower will have no adverse impacts to the APS district.

Village of Tijeras:

No comment received

NEIGHBORHOOD ASSOCIATIONS: